



Department of Justice

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Northern District of New York

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ACCOUNTANT FINED AND SENTENCED TO PROBATION

ALBANY, N.Y. — Ronald L. Simons, 58, of Vestal, New York, was sentenced today to one year probation and ordered to pay a \$5,000 fine by United States Magistrate Judge Christian F. Hummel, announced United States Attorney Richard S. Hartunian, Special-Agent-in-Charge Toni M. Weirauch of the Internal Revenue Service, Criminal Investigation, New York Field Office, and Andrew W. Vale, Special Agent-in-Charge, Federal Bureau of Investigation, Albany Division. The sentencing follows Simons' November 8, 2011 guilty plea.

In October 2007, Simons, a certified public accountant and partner in the accounting firm of Piaker & Lyons in Binghamton, New York, submitted a false 2006 income tax return on behalf of David L. and Lynn A. Smith. David L. Smith is a former owner of the Albany broker-dealer McGinn, Smith & Co., Inc., and was convicted of conspiracy to commit mail and wire fraud, mail fraud, wire fraud, securities fraud, and filing false tax returns on February 6, 2013 following a four-week jury trial.

The return, prepared and submitted to the Internal Revenue Service by Simons, did not report \$407,000 in fees distributed to David L. Smith from TDM Funding LLC in 2006. Simons reclassified the \$407,000 as loans despite knowing that the McGinn Smith controller initially booked the \$407,000 as fees and that David L. Smith previously characterized the majority of the \$407,000 as fees.

This case was investigated by the Internal Revenue Service, Criminal Investigation and the Federal Bureau of Investigation. This case was prosecuted by Assistant United States Attorneys Elizabeth C. Coombe, Richard D. Belliss, and Wayne A. Myers.

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